

CALIFORNIA STATE BOARD OF EDUCATION

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Executive Director
John B. Mockler

AGENDA

February 6-7, 2002

SCHEDULE OF MEETINGS

LOCATION

Wednesday, February 6, 2002

9:00 a.m. ±

STATE BOARD OF EDUCATION

Closed Session – IF NECESSARY

(The public may not attend.)

California Department of Education

721 Capitol Mall, Room 166

Sacramento, California

(916) 657-5478

The Closed Session (1) may commence earlier than 9:00 a.m.; (2) may begin at or before 9:00 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 9:00 a.m.

CLOSED SESSION AGENDA

Under *Government Code* section 11126(e)(1), the State Board of Education hereby provides public notice that some or all of the pending litigation which follows will be considered and acted upon, as necessary and appropriate, in closed session:

- *Amy v. California Dept. of Education, et al.*, Los Angeles County Superior Court, Case No. 99CV2644LSP
- *Boyd, et al. v. State of California, et al.*, Sacramento County Superior Court, Case No. 01CS00136
- *Brian Ho, et al., v. San Francisco Unified School District, et al.*, United States District Court, Northern District of California, Case No. C-94-2418 WHO
- *California Department of Education, et al., v. San Francisco Unified School District, et al.*, San Francisco Superior Court, Case No. 994049 and cross-complaint and cross-petition for writ of mandate and related actions
- *California State Board of Education v. Delaine Eastin, the Superintendent of Public Instruction for the State of California*, Sacramento County Superior Court, Case No. 97CS02991 and related appeal
- *Campbell Union High School District, et al., v. State Board of Education et al.*, Sacramento Superior Court, Case No. 99CS00570
- *Chapman, et al., v. California Department of Education, et al.*, United States District Court, Northern District of California, Case No. C-01-1780 BZ
- *City Council of the City of Folsom v. State Board of Education*, Sacramento County Superior Court, Case No. 96-CS00954
- *Coalition for Locally Accountable School Systems v. State Board of Education*, Sacramento County Superior Court, Case No. 96-CS00939
- *Comité de Padres de Familia v. Honig*, Sacramento County Superior Court, Case No. 281124; 192 Cal.App.3d 528 (1987)

For more information concerning this agenda, please contact John B. Mockler, Executive Director of the California State Board of Education, or Deborah Franklin, Education Policy Consultant, at 721 Capitol Mall, Room 558, P.O. Box 944272, Sacramento, CA 94244-2720; telephone (916) 657-5478; fax (916) 653-7016. To be added to the speaker's list, please fax or mail your written request to the above-referenced address/fax number. **This agenda is posted on the State Board of Education's website: www.cde.ca.gov/board.**

California State Board of Education

AGENDA February 6-7, 2002

- *Crawford v. Honig*, United States District Court, Northern District of California, C-89-0014 DLJ
- *CTA, et al. v. Wilson*, United States District Court, Central District of California, Case No. 98-9694 ER (CWx) and related appeal
- *Daniel, et al. v. State of California, et al.*, Los Angeles Superior Court, Case No. B C214156.
- *Donald Urista, et al. v. Torrance Unified School District, et al.*, United States District Court, Central District of California, Case No. 97-6300 ABC
- *Educational Ideas, Inc. v. State of California, et al.*, Sacramento Superior Court, Case No. 00CS00798
- *Emma C. et al. v. Delaine Eastin et al.*, United States District Court, Northern District of California, Case No. C 96 4179
- *Ephorm, et al., v. California Board of Education, et al.*, Los Angeles Superior Court, Case No. TC013485
- *Larry P. v. Riles*, 495 F.Supp 926 (N.D. Ca. 1979) aff'd in part, rev'd in part, 793 F.2d 969 (9th Cir. 1986)
- *Maria Quiroz, et al. v. State Board of Education, et al.*, Sacramento County Superior Court, Case No. 97CS01793 and related appeal
- *Maureen Burch, et al. v. California State Board of Education*, Los Angeles County Superior Court, Case No. BS034463 and related appeal
- *McNeil v. State Board of Education*, San Mateo County Superior Court, Case No. 395185
- *Meinsen et al. v. Grossmont Unified School District et al.*, C 96 1804 S LSP, U.S. District Court, Southern District of California (pending)
- *Porter, et al., v. Manhattan Beach Unified School District, et al.*, United States District Court, Central District, Case No. CV-00-08402.
- *Roxanne Serna, et al., v. Delaine Eastin, State Superintendent of Public Instruction, et al.*, Los Angeles County Superior Court, Case No. BC174282
- *San Francisco NAACP v. San Francisco Unified School District, et al.*, United States District Court, Northern district of California, Case No. 78-1445 WHO
- *San Mateo-Foster City School District, et al., v. State Board of Education*, San Mateo County Superior Court, Case No. 387127
- *San Rafael Elementary School District v. State Board of Education, et. al.*, Sacramento Superior Court, Case No. 98-CS01503 and related appeal
- *Shevtsov v. California Department of Education*, United States District Court, Central District of California, Case No. CV 97-6483 IH (CT)
- *Valeria G., et al. v. Wilson, et al.*, United States District Court, Northern District of California, Case No. C-98-2252-CAL; *Angel V. v. Davis*, Ninth Circuit No. 01-15219
- *Wilkins, et al., v. California Board of Education, et al.*, Los Angeles Superior Court, Case No. TC014071
- *Williams, et al. v. State of California, et al.*; San Francisco Superior Court, Case No. 312236.
- *Wilson, et al. v. State Board of Education, et al.*; Los Angeles Superior Court, Case No. BC254081

Under *Government Code* section 11126(e)(2), the State Board of Education hereby provides public notice that it may meet in closed session to determine whether, based on existing facts and circumstances, any matter presents a significant exposure to litigation [see *Government Code* section 11126(e)(2)(B)(ii)] and, if so, to proceed with closed session consideration and action on that matter, as necessary and appropriate [see *Government Code* section 11126(e)(2)(B)(i)]; or, based on existing facts and circumstances, if it has decided to initiate or is deciding whether to initiate litigation [see *Government Code* section 11126(e)(2)(C)].

Under *Government Code* section 11126(c)(14), the State Board of Education hereby provides public notice that it may meet in closed session to review and discuss the actual content of pupil achievement tests (including, but not limited to, the High School Exit Exam) that have been submitted for State Board approval and/or approved by the State Board.

Under *Government Code* section 11126(a), the State Board of Education hereby provides public notice that it may meet in closed session regarding the appointment, employment, evaluation of performance, or dismissal of employees exempt from civil service under Article VII, Section 4(e) of the California Constitution.

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AGENDA February 6-7, 2002

Wednesday, February 6, 2002

9:00 a.m. ± (Upon Adjournment of Closed Session, if held)

STATE BOARD OF EDUCATION

Public Session

California Department of Education

721 Capitol Mall, Room 166

Sacramento, California

(916) 657-5478

Please see the detailed agenda for more information about the items to be considered and acted upon. The public is welcome.

Thursday, February 7, 2002

8:00 a.m. ±

STATE BOARD OF EDUCATION

Closed Session -- If Necessary

(The public may not attend.)

California Department of Education

721 Capitol Mall, Room 166

Sacramento, California

(916) 657-5478

Please see Closed Session Agenda above. The Closed Session (1) may commence earlier than 8:00 a.m.; (2) may begin at or before 8:00 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 8:00 a.m.

Thursday, February 7, 2002

8:00 a.m. ± (Upon Adjournment of Closed Session, if held)

STATE BOARD OF EDUCATION

Public Session

Department of Education Building

721 Capitol Mall, Room 166

Sacramento, CA 95814

(916) 657-5478

Please see the detailed agenda for more information about the items to be considered and acted upon. The public is welcome.

ALL TIMES ARE APPROXIMATE AND ARE PROVIDED FOR CONVENIENCE ONLY
ALL ITEMS MAY BE RE-ORDERED TO BE HEARD ON ANY DAY OF THE NOTICED MEETING
THE ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE

Persons wishing to address the State Board of Education on a subject to be considered at this meeting, including any matter that may be designated for public hearing, are asked to notify the State Board of Education Office (see telephone/fax numbers below) by noon of the third working day before the scheduled meeting/hearing, stating the subject they wish to address, the organization they represent (if any), and the nature of their testimony. Time is set aside for individuals so desiring to speak on any topic NOT otherwise on the agenda (please see the detailed agenda for the Public Session). In all cases, the presiding officer reserves the right to impose time limits on presentations as may be necessary to ensure that the agenda is completed.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973* and the *Americans with Disabilities Act of 1990*, any individual with a disability who requires reasonable accommodation to attend or participate in a meeting or function of the California State Board of Education (SBE), may request assistance by contacting the SBE Office, 721 Capitol Mall, Room 558, P.O. Box 944272, Sacramento, CA, 94244-2720; telephone, (916) 657-5478; fax, (916) 653-7016.

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CALIFORNIA STATE BOARD OF EDUCATION

FULL BOARD Public Session AGENDA

February 6-7, 2002

Wednesday, February 6, 2002 – 9:00 a.m.± (Upon adjournment of Closed Session if held)

California Department of Education, 721 Capitol Mall, Room 166, Sacramento, California

Call to Order

Salute to the Flag

Approval of Minutes (January 2002 Meeting)

Announcements

Communications

REPORT OF THE SUPERINTENDENT (May be held over to the Thursday session)

SPECIAL PRESENTATIONS

Public notice is hereby given that special presentations for informational purposes may take place during this session.

ITEM 1	STATE BOARD PROJECTS. Including future meeting plans; agenda items; State Board office budget, staffing, staff appointments, and direction to staff; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; review of the status of State Board-approved charter schools as necessary; and other matters of interest.	INFORMATION ACTION
ITEM 2	PUBLIC COMMENT. Public Comment is invited on any matter <u>not</u> included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.	INFORMATION
ITEM 3	Standardized Testing and Reporting (STAR) Program: Including, but not limited to, Request to Submit for the Implementation of the STAR Program as Authorized by Senate Bill 233.	INFORMATION ACTION
ITEM 4	California English Language Development Test (CELDT): Including, but not limited to, Status Report, Recommendations, and Options for Test Administration and Scoring.	INFORMATION ACTION

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ITEM 5	California High School Exit Examination (CAHSEE): Including, but not Limited to, Independent Evaluation of the CAHSEE, Analysis of the 2001 Administration (HumRRO).	INFORMATION ACTION
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ITEM 6	Results of the National Assessment of Educational Progress (NAEP) Year 2000 Science Assessment.	INFORMATION
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ITEM 7	Draft Model Curriculum on the Life and Work of César E. Chávez.	ACTION
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This is anticipated to be a special order of business at approximately 11:00 a.m.

ITEM 8	United States Senate Youth Program Awards.	INFORMATION
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This is anticipated to be a special order of business at approximately 11:30 a.m.

ITEM 9	Seminar Session on Visual and Performing Arts.	INFORMATION
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This is anticipated to be a special order of business at approximately 1:00 p.m.

ITEM 10	Report of the Curriculum Development and Supplemental Materials Commission.	INFORMATION ACTION
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ITEM 11	Grade 9-12 Standards Map Templates for Core Subjects, Pursuant to Assembly Bill 699 (Canciamilla), Chapter 591, Statutes of 2001.	INFORMATION ACTION
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* * * PUBLIC HEARING * * *

A public hearing on the following agenda item will be held at 3:00 p.m. or thereafter as the business of the State Board of Education permits.

ITEM 12	Draft Health Framework Addendum and Criteria for Evaluating K-8 Health Instructional Materials.	INFORMATION PUBLIC HEARING
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* * * END OF PUBLIC HEARING * * *

ITEM 13	Draft Science Framework.	INFORMATION ACTION
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ITEM 14	Definition of “significant growth” for II/USP schools failing to meet annual API growth targets (Education Code Section 52055.5).	INFORMATION ACTION
ITEM 15	Implementation of the Mathematics and Reading Professional Development Program (AB 466, Strom-Martin).	INFORMATION ACTION
ITEM 16	Implementation of Principal Training Program (AB 75, Steinberg).	INFORMATION ACTION

ADJOURNMENT OF DAY’S SESSION

THURSDAY, February 7, 2002 – 8:00 a.m. (Upon Adjournment of Closed Session, if held)

California Department of Education, 721 Capitol Mall, Room 166, Sacramento, California

REPORT OF THE SUPERINTENDENT (unless presented on the preceding day)

SPECIAL PRESENTATIONS

Public notice is hereby given that special presentations for informational purposes may take place during this session.

ITEMS DEFERRED FROM PRECEDING DAY

Any matters deferred from the previous day's session may be considered.

The State Board of Education will also consider and take action as appropriate on the following agenda items:

ITEM 17	Appointment of a Member of the Child Nutrition Advisory Council.	ACTION
ITEM 18	Assignment of Numbers for Charter School Petitions.	ACTION
ITEM 19	Update on the 2002-03 State Budget and Legislative Proposals	INFORMATION ACTION
ITEM 20	Approval of 2001-2002 Consolidated Applications	ACTION
ITEM 21	Waiver Guidelines for <i>Education Code</i> Section 52522, the Adult Education Innovation and Alternative Instruction Delivery Program: Percentage of Block Entitlement.	INFORMATION
ITEM 22	Nonpublic School/Agency Certification (New Application Deadline) Waiver Policy/Guidelines #00-02.	ACTION

WAIVER REQUESTS

CONSENT MATTERS

The following agenda items include waivers and other administrative matters that California Department of Education (CDE) staff have identified as having no opposition and presenting no new or unusual issues requiring the State Board's attention.

CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT 1998

ITEM WC-1	Request by Fall River Joint Unified School District for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (P.L. 105-332) CDSIS-38-11-2001 (Recommended for APPROVAL)	ACTION
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INSTRUCTIONAL MATERIALS SUFFICIENCY (Audit Findings)

ITEM WC-2	Request by fourteen districts for a retroactive waiver of <i>Education Code</i> Section 60119 regarding Annual Public Hearing on the availability of textbooks or instructional materials. These districts have an audit finding for the 1999-2000 fiscal year that they either 1) failed to hold the public hearing, or 2) failed to properly notice (10 days) the public hearing, and/or 3) failed to post the notice in the required three public places. (SEE ATTACHED LIST) (Recommended for APPROVAL)	ACTION
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MILLER-UNRUH READING SPECIALIST

ITEM WC-3	Request by Morgan Hill Unified School District for a renewal to waive <i>Education Code</i> Section 52859(b). This request relates to the prohibition of using funds coordinated under the School-based Coordinated Program (SBCP) to pay for the local share of costs associated with the employment of a Miller-Unruh Reading Specialist. CDSIS-42-12-2001 (Recommended for APPROVAL)	ACTION
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STATE MEAL MANDATE (Summer School Session)

ITEM WC-4	Request by Foresthill Union School District for a <u>renewal</u> to waive <i>Education Code</i> Section 49550, the State Meal Mandate during the summer school session. CDSIS-31-12-2001 (Recommended for APPROVAL)	ACTION
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STATE MEAL MANDATE (Saturday Session)

ITEM WC-5	Request by Huntington Beach Union High School District to waive <i>Education Code</i> Section 49550, the State Meal Mandate during the Saturday school session. CDSIS-45-12-2001 (Recommended for APPROVAL) E.C. 33051(c) will apply	ACTION
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NON-CONSENT (ACTION)

The following agenda items include waivers and other administrative matters that CDE staff have identified as having opposition, being recommended for denial, or presenting new or unusual issues that should be considered by the State Board. On a case-by-case basis, public testimony may be considered regarding the item, subject to the limits set by the Board President or the President's designee; and action different from that recommended by CDE staff may be taken.

CHARTER SCHOOL ATTENDANCE

ITEM W-1	Request by South Bay Union School District on behalf of the South Bay Charter School to waive Title 5, CCR Section 11960 regarding apportionment reductions. CDSIS-27-11-2001 (Recommended for DENIAL)	ACTION
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INSTRUCTIONAL MATERIALS SUFFICIENCY (Audit Findings)

ITEM W-2	Request by Needles Unified School District for a retroactive waiver of <i>Education Code</i> Section 60119 regarding Annual Public Hearing on the availability of textbooks or instructional materials. This district has an audit finding for the 1999-2000 fiscal year, they failed to hold the public hearing. In addition they cannot certify to having sufficient instructional materials. CDSIS-17-12-2001 (Recommended for APPROVAL WITH CONDITION)	ACTION
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INSTRUCTIONAL TIME PENALTY

ITEM W-3	Request by Dunsmuir Elementary School District to waive <i>Education Code</i> Section 46201(b) and (c), the full longer day instructional time penalty and <i>Education Code</i> Section 46202(a), the full penalty that is based on falling below their 1982-83 instructional minute baseline for the 2000-01 fiscal year. CDSIS-15-10-2001 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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NONPUBLIC SCHOOL/AGENCY

ITEM W-4	Request by Grossmont Union High School District (GUHSD) to waive <i>Education Code</i> (EC) Section 56366.1(a); use of an uncertified nonpublic agency to provide counseling services to one special education student: Ryan E. CDSIS-6-12-2000 (Recommended for APPROVAL)	ACTION
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ITEM W-5	Request by Ramona Unified School District (RUSD) to waive <i>Education Code</i> (EC) Section 56366.1(a); use of an uncertified nonpublic school to provide speech and language, occupational therapy and special education instruction to one special needs student: David S. CDSIS-18-8-2001 (Recommended for APPROVAL)	ACTION
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ITEM W-6	Request by East Valley SELPA (EVSELPA) to waive <i>Education Code</i> (EC) Section 56366.1(a), use of an uncertified nonpublic school to provide special education instruction to 49 special needs students. (List attached) CDSIS-4-10-2001 (Recommended for APPROVAL)	ACTION
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PEER ASSISTANCE AND REVIEW PROGRAM (PAR)

ITEM W-7	Request by Sausalito Marin City School District to waive the July 1, 2001, Peer Assistance and Review (PAR) certification deadline, as stipulated in Education code Section 44504 and 44505 to October 15, 2001, allowing the district to reapply for certification of a PAR program and maintain other staff development funds. CDSIS-26-11-2001 (Recommended for APPROVAL) <i>Education Code</i> Section 33051(c) will apply	ACTION
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END OF WAIVER REQUESTS

ITEM 23	Appeal by Riverside Unified School District (USD) of Riverside County Committee's Approval of a Petition to Transfer Territory from Moreno Valley USD to Riverside USD.	ACTION
ITEM 24	Adoption of Permanent English Learner Regulations.	ACTION
ITEM 25	Proposed Amendment of Title 5, CCR Regulations Relating to Disputes Between School Districts and Charter Schools Regarding Facilities.	INFORMATION ACTION
ITEM 26	Academic Performance Index (API) Results for Charter Schools.	INFORMATION

ADJOURNMENT OF MEETING